



**CALIFORNIA  
HIGH-SPEED RAIL  
AUTHORITY**

**BRIEFING: AUGUST 4<sup>TH</sup> EXECUTIVE/ADMINISTRATIVE COMMITTEE MEETING**  
**AGENDA ITEM #8**

**TO: Chairman Pringle and Authority Board Members**

**FROM: Roelof van Ark, CEO**

**DATE: 7/30/2010**

**RE: CEO Delegation of Authority**

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**Discussion**

The purpose of this policy is to establish the Delegation of Authority (DOA) granted by the Board to the Chief Executive Officer (CEO). It also provides the CEO with the authority to delegate functions he or she has been delegated by the Board to Authority staff. It is based on DOAs which apply to other public transportation entities in California.

**Staff Recommendation**

Staff recommends that the Board approve and adopt the attached delegation of authority to the CEO.

**Attachments**

- ✓ Board Policy HSR11-001 – Delegation of Authority
- ✓ Resolution HSR11-09 – CEO Delegation of Authority



## **CALIFORNIA HIGH-SPEED RAIL AUTHORITY**

BOARD POLICY – HSRA11-001

### **DELEGATION OF AUTHORITY (DOA)**

The purpose of this policy is to establish the authority granted by the Board to the Chief Executive Officer (CEO). It also provides the CEO with the authority to delegate functions he or she has been delegated by the Board to Authority staff.

### **DEFINITIONS**

The following words shall have the meanings indicated when used in this policy:

“Agreements” shall be interpreted to include contracts, and purchase orders.

“Budget” shall be interpreted as the Authority’s annual budget as approved by the Board and enacted in the Budget Act.

### **DELEGATION**

This Delegation of Authority assumes that the CEO works within the framework of the Budget and in accordance with the Business Plan, both of which have been approved by the Board.

#### **A. Procurement**

The Board shall delegate the following procurement authorities to the CEO and the CEO may at his or discretion delegate procurement authorities to Authority staff.

The CEO shall ensure that all procurements shall be conducted in accordance with all applicable federal and state laws and regulations, and the policies of the Board of Directors and shall ensure compliance with applicable grant requirements when (predominantly federal and state funds are used for procurements.

1. The CEO may,
  - a. Issue Request for Proposals, Request for Qualifications or Invitation for Bids up to \$1,000,000.00.
  - b. Execute Agreements for all budgeted services including:
    - i. Architectural and Engineering for an amount up to \$1,000,000.00
    - ii. Professional services for an amount up to \$500,000.00
    - iii. Interagency Agreements and Co-Operative Agreements with other State and local entities up to \$500,000.00.
    - iv. Sole Source agreements up to \$50,000.00 for services, materials, equipment or supplies, and services.
    - v. Fixed asset acquisitions up to \$250,000.00.
    - vi. Award of any Options or Modifications to contracts, when such contracts, including the options, were previously approved by the Board.
    - vii. Award of Task Orders associated with contracts previously approved by the Board.

- viii. Basic operational goods and services such as office equipment and supplies, utility costs (such as electricity, water, fuel, software licenses, maintenance and support etc), utilizing State mandated procurement procedures, may be awarded in any amount.
- c. The CEO will have the authority to approve and execute any single change order or amendment to a contract, lease, real property acquisition agreement or memorandum of understanding having anticipated expenditures within the limitations enumerated below:
  - i. Original Contract Amounts up to \$500,000 - The authority given to the Executive CEO will be limited to cumulative increases of 50% of the original contract amount, and time extensions up to 25% of the original contract term.
  - ii. Original Contract Amounts between \$500,000 and \$9,999,999 - The authority given to the CEO will be limited to cumulative increases approved by the CEO of 25% of the original contract amount, or \$250,000, whichever is greater, and time extensions up to 25% of the original contract term.
  - iii. Original Contract Amounts greater than or equal to \$10,000,000 - The authority given to the CEO will be limited to cumulative increases of 10% of the original contract amount, or \$2,500,000, whichever is greater, and time extensions up to 25% of the original contract term. Under no circumstances shall the cumulative sum of increases approved by the CEO for any contract over \$50,000,000 exceed \$5,000,000.
- 2. The CEO may enter into non-monetary agreements such as Memorandums of Understanding and Co-Operative agreements.
- 3. The CEO shall negotiate and execute grant agreements, where the Authority is the Grantee, with Federal, State and local grantors.

**B. Personnel**

- 1. The CEO shall appoint such employees as may be necessary to carry out the functions of the Authority.
- 2. The CEO shall promote, transfer, discipline, and terminate employees of the Authority subject to all applicable laws and regulations, including without limitation the rules set forth by the Department of Personnel Administration manuals, policies, and procedures.
- 3. The CEO shall designate an employee to act as the secretary of the Authority for the purpose of keeping its minutes and resolutions.

**C. Fiscal**

- 1. The CEO shall prepare the Authority's annual budget requests pursuant to the policies and procedures and timelines as defined by the Department of Finance.
- 2. The CEO may transfer funds between line items within the Authority's authorized annual budget.

**D. Legal**

1. The CEO may settle all lawsuits; alternative dispute matters, and claims that the Authority must defend when the settlement amount does not exceed \$100,000.00. In the event that the CEO exercises this authority he/she shall send a memo to the members of the Board as soon as possible in order to notify them of any action.

**E. Program**

1. The CEO has the authority to carry out all responsibilities which may be delegated under the provisions of CEQA and the State CEQA Guidelines Section 15025(a), including but not limited to taking all actions necessary to cause the preparation of environmental documents and to ensure the Authority's compliance with CEQA; provided however, that the CEO is not to include identification of preferred corridor alignments and station locations in the draft environmental document. He/She shall have authority to issue notices, to prepare and forward to the FRA a draft environmental document, to work with FRA in preparing a draft environmental document to be issued on behalf of the Authority and the FRA for public review, to hold hearings to receive comments on environmental documents, to prepare final environmental documents for consideration by the Authority, and to work with the FRA in the preparation of a final document for NEPA compliance.
2. The CEO may approve all design plans, specifications and estimates for capital outlay projects.



**Resolution # HSRA 11-09**  
**CEO Delegation of Authority**

Whereas, the California High-Speed Rail Authority (Authority) is responsible for the development and implementation of intercity high-speed rail service pursuant the Public Utilities Code §185030 *et seq.*;

Whereas, pursuant to Public Utilities Code §185024, the Authority has appointed an Executive Director/Chief Executive Officer who, subject to the direction of the Authority, has charge of administering the affairs of the Authority

Therefore it is resolved,

The Executive Director/Chief Executive Officer or a designee of the Executive Director/Chief Executive Officer is hereby authorized and directed to sign agreements, amendments, memorandums of understanding and interagency agreements as indicated on Attachment 1, section A (Board Policy HSRA11-001).

The Executive Director/Chief Executive Officer is hereby authorized and directed to hire and manage staff as indicated on Attachment, section B (Board Policy HSRA11-001).

The Executive Director/Chief Executive Officer is hereby authorized and directed to prepare all required budget documents as indicated on Attachment 1, section C (Board Policy HSRA11-001).

The Executive Director/Chief Executive Officer is hereby authorized to settle all lawsuits as indicated on Attachment 1, section D (Board Policy HSRA11-001).

The Executive Director/Chief Executive Officer is hereby authorized to direct and manage all program activities as indicated on Attachment 1, section E (Board Policy HSRA11-001).

Vote:

Date:

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